

STATUS OF CLAIMS

Claims 1-38 are pending in this application.

Claims 4-9, 11, 12, 14-23, 25, 28-31, and 33-38 have been withdrawn from consideration, without prejudice.

Claims 1-3, 10, 13, 24, 26, 27 and 34 have been rejected by the Examiner.

As set forth in Applicants' communication dated September 3, 2004, and pursuant to the Examiner's restriction requirement, Applicants have elected to prosecute Group III, identified as claims 1-3, 10, 13, 24, 26, 27 and 32. Reconsideration of the subject application is respectfully requested.

Remarks

Applicants would like to thank Examiner Butler for his time taken during the January 4, 2005 telephone interview. Claim 1 has been amended in accordance with the Examiner's comments. No new matter has been added.

1. **Restriction Requirement**

As stated in Applicants' September 3, 2004 Communication, claims 4 – 9, 11, 12, 14 – 23, 25, 28 – 31, and 33 - 38 have been withdrawn from consideration without prejudice in accordance with Applicants' election of the Group III Claims.

2. **Claim Restrictions Pursuant to 35 U.S.C. §102**

Claims 1 – 3, 10, 13, 24, 26, 27 and 32¹ have been rejected under 35 U.S.C. § 102(b) as being anticipated by U.S. Patent No. 5,564,803 (McDonald *et al.*). In this regard, McDonald

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Applicants note that the Examiner actually rejected Claim 34 rather than 32. However, the Group III election included dependent Claim 32 rather than dependent Claim 34, which claim has been withdrawn from consideration. Accordingly, Applicants have addressed each of the Examiner's rejections as being directed to Claim 32.

does not disclose all of the elements recited in independent claims 1, and 26 namely a workflow program, medicine cabinet, cart, a plurality of cart drawers, and a cart processor, and the method related thereto.

The present invention comprises a system and method for administering medications to each of a plurality of patients. The system and method include a workflow program that generates a scheduler for coordinating the administration of the medications, a medicine cabinet and a medicine cart, separate from the medicine cabinet. The medicine cabinet of the present invention, in response to the scheduler and workflow program, stores and dispenses the medications to an authorized user of the cabinet in accordance with patient specific information received from the workflow program. The medicine cart comprises a cart processor that accesses a cart program which controls access to a plurality of cart drawers. The cart drawers are filled with the medications for each patient in each of their patient specific cart drawers. Accordingly, the present application claims a system for administering medications to patients including a workflow program, a medicine cabinet and a medicine cart.

As agreed by Applicants and the Examiner during the January 4, 2005 telephone interview, McDonald does not disclose all of the elements set forth in Applicant's claims. More specifically, McDonald does not disclose a system comprising a workflow program, a medicine cabinet and a medicine cart. McDonald simply discloses a portable cart that is small enough to fit between patient beds and enables the nurse to administer medications to a patient and record information related thereto. There is no teaching or suggestion in McDonald to include a medicine cabinet separate from the medicine cart in a system for administering medication to patients. In fact, McDonald teaches away from such a system. *See* McDonald, col. 2, line 23-45. As specifically stated in McDonald, the sole purpose of the nursing center is to provide a

“portable medication dispenser station.” McDonald, col. 2, lines 15 – 17. (emphasis added). Although clearly distinguishable from the portable center in McDonald, at best, McDonald simply teaches the use of a portable medicine cart. McDonald does not suggest or teach the workflow program, nor the medicine cabinet as claimed by the present system and method.

Moreover, inasmuch as Claims 2, 3, 10, 13, 24, 27 and 32 ultimately depend from patentable base claims 1 and 26, Claims 2, 3, 10, 13, 24, 27 and 32 are also not anticipated by McDonald. Thus, Applicant’s respectfully requests reconsideration.

Inasmuch as McDonald does not anticipate Claims 1 – 3, 10, 13, 24, 26, 27 and 32 of Applicants’ invention, Applicants respectfully request reconsideration and withdraw of the section 102 rejections based upon the McDonald reference.

3. **Claim Restriction Pursuant to U.S.C. §103**

Claims 1 – 3, 10, 13, 24, 26, 27 and 32 also have been rejected under 35 U.S.C. § 103(a) as being obvious over McDonald in view of U.S. Patent Nos. 5,572,873 (Lavigne *et al.*), 6,116,461 (Broadfiled *et al.*), or 5,905,653 (Higham *et al.*), Applicants respectfully disagree with the Examiner’s rejection.

Lavigne was cited for disclosing one or more frames including a refrigeration means, and Broadfiled and Higham, each were cited for disclosing medication specific cabinet drawers. Neither Lavigne, Broadfiled nor Higham disclose a system or method for dispensing medication to patients that includes a medicine cabinet and medicine cart, separate from the medicine cabinet. As the Examiner seemingly admits in his Detailed Action, these references were cited solely for disclosing an element claimed in dependent Claims 2, 3, 10, 13, 24, 27 and 32. They were not cited as disclosing the elements missing in McDonald that have been set forth herein by Applicants. Therefore, neither McDonald, Lavigne, Broadfiled, nor Higham, alone, or in

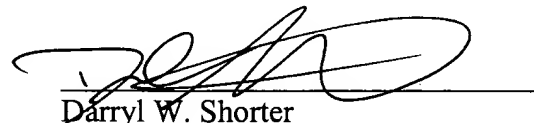
combination with one another, teach or suggest the system and method as presently claimed. Nor has the Examiner shown any motivation for combining any of those referenced with McDonald. Accordingly, Claims 1 – 3, 10, 13, 24, 26, 27 and 32 are not obvious in view of the cited prior art. Thus Applicants respectfully requests reconsideration and withdraw of the section 103 rejections based upon the McDonald, Lavigne, Broadfiled and Higham references.

CONCLUSION

Thus, it is respectfully submitted that Claims 1 – 3, 10, 13, 24, 26, 27 and 32 are in condition for allowance. Accordingly, Applicant respectfully requests that the Examiner withdraw the 35 U.S.C. §§ 102 and 103 rejections, and that allowance of such claims be granted at the earliest date possible. Should the Examiner have any questions regarding Applicant's amendments or response, the Examiner is asked to contact Applicant's undersigned representative at (215) 575-7194.

If there are any additional fees due in connection with the filing of this response, please charge the fees to our Deposit Account No. 50-0979.

Respectfully submitted,


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